



MOTION "DENIED" THIS 26th DAY OF March, 2009.

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ELECTRONIC CASE FILING

WILLIAM D. QUARLES, JR.
UNITED STATES DISTRICT JUDGE

DEPUTY

The Honorable William D. Quarles, Jr.
U.S. District Court for the District of Maryland
101 W. Lombard Street
Baltimore, MD 21201

Re: Fluxo-Cane Overseas, Ltd. v. E.D. & F. Man Sugar, Inc., et al.
Case No. 08-CV-0356 (WDQ)

Dear Judge Quarles:

This Court has scheduled a pre-trial conference for April 9, 2008 at which time the parties are expected to discuss the issues to be tried. Plaintiff Fluxo-Cane has filed a motion for reconsideration (Docket No. 53), however, that asks this Court to revisit its recent rulings on the cross motions for summary judgment. The opposition date for this motion is March 30, 2009 and the date for filing a reply is April 13, 2009.

The motion for reconsideration should be denied because it identifies no intervening change in controlling law, no new evidence previously unavailable, and no clear error of law or manifest injustice. See *Johns Hopkins Univ. v. Datasclope Corp.*, 513 F. Supp.2d 578, 585 (D. Md. 2007) (citing *Bogart v. Chapell*, 396 F.3d 548, 555 (4th Cir. 2005)). The disputed issues that Fluxo raises anew are ripe for trial, and should be decided at trial.

Those shortcomings aside, Defendant E.D. & F. Man Sugar, Inc. ("Man") respectfully requests that the Court relieve it of the burden of responding to the motion on March 30th so that the parties might discuss it with the Court, to the extent necessary, at the pre-trial conference on April 9th. If Your Honor decides that Man should respond to the motion, then an appropriate briefing schedule could then be agreed and set. This approach will obviate the need for possibly unnecessary briefing and will not prejudice Fluxo given the April 9th pre-trial conference date.

Thank you for your continued attention to this case.

Respectfully,

Robert A. Gaumont